

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15
H. Jones
11/25/92



In re Application of:

James Barry Douglas PALMER

Serial No. 07/753,907

Filed: September 3, 1991

For: MEDICAMENTS

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: Group Art Unit: 1205
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: Examiner: S. Rose
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REQUEST FOR RECONSIDERATION

Hon. Comm. of Patents and Trademarks
Washington, D.C. 20231

Sir:

This is in response to the Official Action of August 20, 1992, the sole rejection contained therein being a provisional rejection under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-22 of copending application serial number 753,906. As noted on page 4 of the Official Action, a timely filed Terminal Disclaimer in compliance with 37 CFR 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application.

Applicant has, in fact, previously filed a Terminal Disclaimer which is believed to be sufficient to overcome the outstanding rejection. A copy of this Terminal Disclaimer, which was filed on July 7, 1992, is attached hereto.

Applicant acknowledges that the application contains an indication that the Terminal Disclaimer was found not to be acceptable because it is signed by the attorney instead of by the owner of record. The undersigned attorney telephoned Erica Williams at the Certificates of Correction Branch, and pointed out that, in fact, the Terminal Disclaimer is signed by the appropriate corporate official, who is authorized to execute such documents on behalf of the owner of the application. Mr. Hesketh, who executed the Terminal Disclaimer, has the title of "Attorney" but he is the appropriate corporate officer, and it is the understanding of the undersigned from Erica Williams that this clarification makes the Terminal Disclaimer acceptable.

Accordingly, it is most respectfully requested that the Terminal Disclaimer be resubmitted to the Certificates of Correction Branch, along with a copy of this explanation.

Serial No. 07/753,907

In view of the clarification of the record with respect to the fact that the appropriate corporate officer has executed the Terminal Disclaimer, it is believed that the application is now in condition for allowance and early notification thereof is most respectfully requested.

Respectfully submitted,



Richard E. Fichter
Registration No. 26,382

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PA753907.A3

November 19, 1992